

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
SHELBY DIVISION**

CRIMINAL NO. 4:94CR44

UNITED STATES OF AMERICA

VS.

CHUNGA HAKI MATATA

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ORDER

THIS MATTER is before the Court on the Defendant's motion for reconsideration of the Court's Order reducing his sentence to 291 months imprisonment.

Defendant's original motion for reduction of sentence pursuant to the new Amendment to the Guidelines regarding crack cocaine offenses argued for an amended sentence of 290 months. **See Defendant's Motion for Reduction of Sentence, filed February 24, 2009, at 8.** The Supplement to the presentence report, however, recommended a reduction to 291 months, and the Court concurred with that recommendation. **Supplement to the Presentence Report, filed under seal March 26, 2009.** Now, Defendant argues that the Court should further reduce his

sentence to 262 months, stating the Court has “discretion to reduce [his] sentence to any sentence within the applicable minimum guideline range.”

Motion for Reconsideration, filed April 8, 2009, at 3. Regardless of whether or not the Court has such discretion, the Court finds Defendant’s amended sentence of 291 months to be appropriate under the Guidelines and determines no further reduction is warranted.

IT IS, THEREFORE, ORDERED that the Defendant’s motion for reconsideration is hereby **DENIED**.

Signed: May 14, 2009

A handwritten signature in dark ink, appearing to read "L. H. Thornburg", written over a horizontal line.

Lacy H. Thornburg
United States District Judge

